

REMARKS

Claims 1-23 were previously pending in this patent application. Claims 1-23 stand rejected. Herein, Claims 3 and 4 have been cancelled. Moreover, Claims 1, 2, 18, 19, and 23 have been amended. Accordingly, after this Amendment and Response, Claims 1-2 and 5-23 remain pending in this patent application. Further examination and reconsideration in view of the claims, remarks, and arguments set forth below is respectfully requested.

DOUBLE PATENTING

Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-31 of copending Application No. 10/325,198. A terminal disclaimer is being submitted to obviate the provisional double patenting rejection.

35 U.S.C. Section 102(e) Rejections

Claims 1-3, 5-9, and 18-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Miyazaki et al, U.S. Patent No. 6,532,091 (hereafter Miyazaki). These rejections are respectfully traversed.

Dependent Claim 4, which depends from Independent Claim 1, stands rejected under a provisional double patenting rejection but is patentable over Miyazaki. As described above, a terminal disclaimer is being submitted to obviate this provisional double patenting rejection. Hence, Dependent Claim 4 is allowable. Herein, the limitations of Claim 4 have been incorporated into Independent Claim 1. Claim 4 has been cancelled. Therefore, it is respectfully submitted that Independent Claim 1 is patentable over Miyazaki and is in condition for allowance.

Dependent Claims 2 and 5-9 are dependent on allowable Independent Claim 1, which is allowable over Miyazaki. Claim 3 has been cancelled. Hence, it is respectfully submitted that Dependent Claims 2 and 5-9 are patentable over Miyazaki for the reasons discussed above.

Independent Claim 18 recites:

An optical pulse stretcher comprising:

an optical retiming device adapted to receive optical data encoded in a first format and ***adapted to reduce jitter associated with said optical data by converting encoding to a second format***, wherein said optical data encoded in said first format has a first level of jitter, and wherein said optical data encoded in said second format has a second level of jitter;

an input for receiving said optical data encoded in said second format;

means for converting said optical data encoded in said second format to optical data encoded in said first format; and

an output for outputting said optical data encoded in said first format, wherein said optical data encoded in said first format has a third level of jitter. (emphasis added)

It is respectfully asserted that Miyazaki does not disclose the present invention as recited in Independent Claim 18. In particular, Miyazaki fails to disclose an optical retiming device, as recited in Independent Claim 18. The optical retiming device is adapted to receive optical data encoded in a first format and adapted to reduce jitter associated with the optical data by converting encoding to a second format, as recited in Independent Claim 18. Therefore, it is respectfully submitted that Independent Claim 18 is not anticipated by Miyazaki and is in condition for allowance.

Dependent Claims 19-23 are dependent on allowable Independent Claim 18, which is allowable over Miyazaki. Hence, it is respectfully submitted that Dependent Claims 19-23 are patentable over Miyazaki for the reasons discussed above.

Claims 10-17

Claims 10-17 stand rejected under a provisional double patenting rejection but are patentable over Miyazaki. As described above, a terminal disclaimer is being submitted to obviate this provisional double patenting rejection. Hence, Claims 10-17 are allowable.

CONCLUSION

It is respectfully submitted that the above arguments and remarks overcome all rejections. All remaining claims (Claims 1-2 and 5-23) are neither anticipated nor obvious in view of the cited reference. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 1-2 and 5-23) are in condition for allowance.

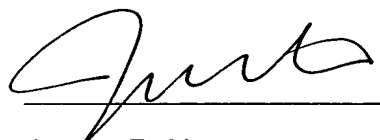
The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-1078.

Respectfully submitted,

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